

## CITY OF HAYWARD

### AGENDA REPORT

AGENDA DATE 07/06/04

AGENDA ITEM 9

WORK SESSION ITEM           

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Issue Bonds for the Acquisition and Rehabilitation of the Lord Tennyson Apartments

#### **RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing the issuance of up to \$10.6 million of multifamily mortgage revenue bonds for the acquisition and rehabilitation of the Lord Tennyson Apartments and authorizing the City Manager to execute all other implementing documents in connection with the proposed issuance.

#### **DISCUSSION:**

On January 13, 2004, City Council adopted a resolution authorizing submission of an application to CDLAC for up to \$14 million in tax-exempt, multifamily mortgage revenue bonds. (Attachment A is the January 13, 2004 agenda report.) At the request of VOA, the City (as the issuing agency) applied for \$10.6 million in tax-exempt financing for the Lord Tennyson Apartments. The City was awarded the requested allocation on April 21, 2004. Since that time several things have happened:

- *VOA would like to do more extensive property rehabilitation to further improve the development.* After submitting the CDLAC application, VOA continued its needs assessment of the property and identified additional rehabilitation needs including: expanding both the office and community room to provide a better setting in which to operate the after-school tutoring program for children and the evening and weekend computer training for adults in the development. They also wish to completely upgrade kitchens and baths instead of replacing fixtures and re-facing cabinets. Upgraded landscaping and irrigation were also not included in the initial scope of work. VOA would like to obtain an additional allocation from CDLAC of about \$4 million in order to undertake this more extensive scope of work. Obtaining an additional allocation does not appear to be a problem. In addition to the Lord Tennyson, there will be 10-15 projects, that obtained an allocation in the Spring competition, requesting \$1 - \$4 million in additional allocations. According to CDLAC, sufficient bond authority exists to fund all of these projects plus any new projects in the pipeline.
- *VOA has applied to HUD for FHA mortgage insurance.* This will give the bonds an AAA rating (making them easier to sell to investors) and a repayment period of up to 40 years. The FHA mortgage results in greater financial feasibility for completing the more

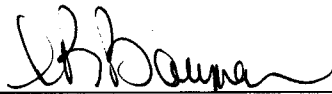
extensive property rehabilitation. Obtaining FHA mortgage insurance generally takes between 4-6 months. VOA has been working with HUD for several months, however, HUD is understaffed and demand is high so it is difficult to predict when the insurance process will be completed.

- *Because the bond allocation was awarded in the Spring CDLAC competition, the bonds are required to be issued by July 30.* City staff talked extensively with the CDLAC Executive Director in an effort to obtain CDLAC approval to have all of the bonds issued in a single transaction when the FHA mortgage insurance has been processed. Unfortunately, CDLAC rules do not allow this. Consequently, the bonds will be issued and placed in escrow until the FHA insurance is obtained. Once the FHA insurance is obtained, the bonds will be marketed to investors.

#### *Next Steps*

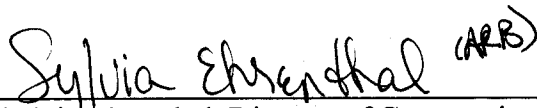
Staff is requesting that Council adopt the attached resolution authorizing the issuance of up to \$10.6 million in tax-exempt multifamily mortgage revenue bonds. The Regulatory Agreements and all other implementing documents will be signed and placed in escrow. After FHA approves the documents and the mortgage insurance, they will be released from escrow. Staff will return to Council after the insurance is obtained, since federal tax law requires Council's approval to market the bonds. At that time, if the City receives an additional bond allocation, staff will request Council authorization to issue the additional bonds and approval of the implementing documents.

Prepared by:



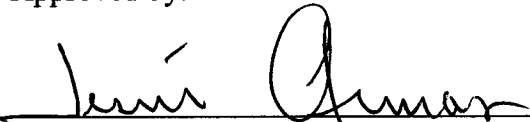
Ann R. Bauman  
Neighborhood and Economic Development Manager

Recommended by:



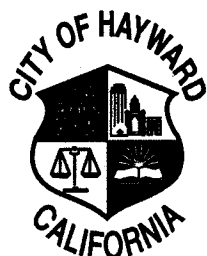
Sylvia Ehrenthal, Director of Community  
and Economic Development

Approved by:



Jesús Armas, City Manager

Attachment A: January 13, 2004 Agenda Report  
Resolution



# CITY OF HAYWARD

## AGENDA REPORT

AGENDA DATE 01/13/04

AGENDA ITEM \_\_\_\_\_

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Adoption of Resolution of Intent to Reimburse Expenditures From the Proceeds of Mortgage Revenue Bonds Financing the Purchase and Rehabilitation of the Lord Tennyson Apartments

### RECOMMENDATION:

It is recommended that the City Council:

- Adopt the attached resolution conditionally authorizing the issuance of \$14 million in mortgage revenue bonds to assist in the acquisition and rehabilitation of the Lord Tennyson Apartments;
- Authorize the City Manager to execute agreements for bond counsel services with Jones Hall, A Professional Law Corporation, and for financial advisor services with CSG, Inc.;
- Authorize the City Manager to execute all other implementing documents in connection with the proposed issuance.

### DISCUSSION:

Constructed in 1968, the Lord Tennyson Apartments (2191 West Tennyson Road) is a 253-unit project, containing 24 buildings with stucco exteriors and flat roofs. The buildings contain 196 two-bedroom units, 49 three-bedroom units and 8 four-bedroom units with square footages of 893, 1157, 1357, respectively. Lord Tennyson is owned by Lord Tennyson Apartments, Inc., a nonprofit corporation owned by Volunteers of America National Services (VOA). With over 200 projects nationwide, VOA is one of the nation's largest nonprofit providers of quality, affordable housing for low and moderate income families, people with disabilities and the elderly.

The property has been well managed over time; however, wear-and-tear over the course of more than 30 years necessitates that significant rehabilitation be undertaken. A Capital Needs Assessment commenced in October 2002; that assessment found that the property needed a significant amount of rehabilitation, including replacement of windows, furnaces, roofs, kitchen cabinets, appliances and doors. Playground equipment, sidewalk replacement and a resurfaced parking lot are other items that the rehabilitation would seek to address. This portion of the

rehabilitation, including construction contingency and general contractor overhead, would be approximately \$4.7 million for this work.

In addition to the work described above, VOA has agreed to update the buildings' electrical systems, converting the units to individual metering of electricity and gas. This is estimated to cost approximately \$1 million and will require additional service, code and safety upgrades of approximately \$1.8 million, for a total of \$2.8 million. The total rehabilitation cost for this project will be approximately \$7.5 million or \$30,800 per unit.

Volunteers of America is requesting that the City issue approximately \$14 million in tax exempt multifamily mortgage revenue bonds for the acquisition and rehabilitation of the Lord Tennyson Apartments. In addition, VOA is putting at least \$2 million of cash equity into the project for a total project cost of approximately \$16 million. As described above, approximately 53.5% of the bond issue will cover the cost of the rehabilitation. Approximately \$1.5 million will be set aside as long term replacement reserves for the project; bond issuance, credit enhancement, construction contingency and other related costs are approximately \$2 million. The remaining \$5 million dollars represents approximately 10% of VOA's equity in the project. These funds will be used by VOA to carry out its ongoing mission of creating new affordable housing for very low income households. VOA uses the equity in its assets as resources to create new housing, just as the owner of a single family home utilizes a portion of his equity by taking out a home improvement loan.

#### **Tenant Rent Increase**

The property was originally financed and is operated under a U.S. Department of Housing and Urban Development (HUD) Section 221(d)(3) BMIR ('Below Market Interest Rate') loan that was originated in 1968. A condition of this loan was that 60% of the units be leased by tenants with incomes below 50% of the area median income and the other 40% of the units be leased to tenants with incomes below 80% of area median income. The BMIR mortgage and the accompanying rent restrictions will expire on December 1, 2008.

Because of currently favorable interest rates and the building's need for rehabilitation, VOA would like to refinance the project now. VOA has received permission from HUD to pay off it's existing BMIR mortgage in exchange for recording a use agreement with HUD incorporating the current rental restrictions. The use agreement's main purpose is to preserve the Lord Tennyson Apartments as affordable to tenants with incomes at or below 60% AMGI until December 1, 2008, when the HUD restrictions would expire. In addition, the use agreement will provide protection against displacement for all of the current tenants.

Current Lord Tennyson rents are affordable to households at approximately 36% of area median income adjusted for household size (AMGI). To fund the rehabilitation, Volunteers of America proposes to increase in the current rents from:

- \$627 to \$829 for the 2BR;
- \$735 to \$958 for a 3BR; and
- \$848 to \$1068 for a 4BR.

The higher rent levels are affordable to tenant households at approximately 50% of AMGI, adjusted for household size, who are spending 30% of their monthly income for housing costs. The new use agreement with HUD provides VOA with "enhanced" Section 8 vouchers for any residents who would otherwise be forced to pay more than 30% of their income on rent. Key restrictions of the enhanced vouchers are as follows:

- (a) the vouchers are not tied to the units; and
- (b) only tenants at the time of the refinancing are eligible for vouchers. Prospective tenants who apply for occupancy after the rent increase are not eligible

### **Ownership**

Tax exempt mortgage revenue bonds are often used by nonprofit organizations as a way of financing substantial property rehabilitation. In order to issue the bonds, a change of ownership is required for the 15-year federal tax credit compliance period. Therefore, the ownership of Lord Tennyson will be transferred from Lord Tennyson Apartments, Inc. to a limited partnership with a Volunteers of America entity as the sole General Partner.

### **Benefits to the City from Issuing Bonds for this Project**

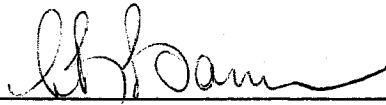
As Council is aware, payment of the bond principal and interest is solely from the project revenues and is not an obligation of the City of Hayward. Nor is the City providing any additional financing for this project.

If the City issues tax exempt bonds for the acquisition and rehabilitation of the development, VOA will:

- extend the affordability restrictions from the current 15 years to 55 years from the date when the tax exempt bond are issued;
- at least 30% of the units will be restricted to tenants whose household income is at or below 50% of AMGI. Occupancy of the other units will be restricted to households whose income is at or below 60% of AMGI, adjusted for household size;
- complete significant interior and exterior property rehabilitation;
- upgrade the buildings' electrical systems and complete an additional \$1.8 million in service, code and safety upgrades;
- continue to own the development, maintaining the current quality of property management services.

The City will have the primary Regulatory Agreement on this development, restricting occupancy and rents for 55 years. The property will be monitored at least once each year and all tenants will be income certified on an annual basis. The City will receive \$17,500 each year for monitoring the project. Staff recommends adoption of the attached resolution in order to rehabilitate and preserve these 253 units of affordable housing for an additional 55 years.

Prepared by:



Ann R. Bauman

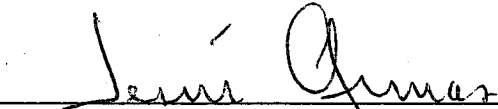
Neighborhood and Economic Development Manager

Recommended by:



Sylvia Ehrenthal, Director of Community  
and Economic Development

Approved by:



Jesús Armas, City Manager

Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-009

Introduced by Council Member Hilson

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HAYWARD DECLARING INTENTION TO REIMBURSE  
EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT  
OBLIGATIONS AND DIRECTING CERTAIN ACTIONS

WHEREAS, the City of Hayward (the "City") intends to issue tax-exempt obligations (the "Obligations") for the purpose, among other things, of making a loan to a California limited partnership to be formed by Volunteers of America National Services (the "Developer"), the proceeds of which shall be used by the Developer to finance the acquisition, rehabilitation and development of a multifamily housing facility located at 2191 West Tennyson Road in the City of Hayward, California and commonly known as the Lord Tennyson Apartments (the "Project"); and

WHEREAS, the City is authorized by Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Law") to issue and sell revenue bonds for the purpose of financing the acquisition, rehabilitation and development of multifamily rental housing facilities to be occupied in part by low and very low income tenants; and

WHEREAS, United States Income Tax Regulations section 1.103-18 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer must declare an intention to reimburse such expenditure (the "Tax Law Reimbursement Provisions"); and

WHEREAS, the Obligations will be considered to be "qualified exempt facility bonds" under Section 142(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 147(f) of the Code requires that the "applicable elected representative" with respect to the City hold a public hearing on and approve the issuance of the Obligations; and

WHEREAS, this City Council is the elected legislative body of the City; and

WHEREAS, a notice of public hearing in a newspaper of general circulation in the City has been published, to the effect that a public hearing would be held by this City Council regarding the issuance of the Obligations by the City and the nature and location of the Project; and

WHEREAS, this City Council held said public hearing on such date, at which time an opportunity was provided to present arguments both for and against the issuance of such Bonds and the nature and location of the Project; and

WHEREAS, it is in the public interest and for the public benefit that the City declare its official intent to reimburse the expenditures referenced herein;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward DECLARES and ORDERS as follows:

1. The City intends to issue the Obligations for the purpose of paying the costs of financing the acquisition, rehabilitation and development of the Project.
2. The City hereby declares that it reasonably expects that a portion of the proceeds of the Obligations will be used for reimbursement of expenditures for the acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations.
3. The maximum amount of proceeds of the Obligations to be used for reimbursement of expenditures for the acquisition, rehabilitation and development of the Project that are paid before the date of initial execution and delivery of the Obligations is \$14,000,000.
4. The foregoing declaration is consistent with the budgetary and financial circumstances of the City in that there are no funds (other than proceeds of the Obligations) that are reasonably expected to be (i) reserved, (ii) allocated or (iii) otherwise set aside, on a long-term basis, by or on behalf of the City, or any public entity controlled by the City, for the expenditures for the acquisition, rehabilitation and development of the Project that are expected to be reimbursed from the proceeds of the Obligations.
5. The Developer shall be responsible for the payment of all present and future costs in connection with the issuance of the Obligations, including, but not limited to, any fees and expenses incurred by the City in anticipation of the issuance of the Obligations, the City's financing fee with respect to the issuance of the Obligations, the City's annual administration fee with respect to administering the provisions of a regulatory agreement with respect to the Project, the cost of printing any official statement, rating agency costs, bond counsel fees and expenses, underwriting discount and costs, trustee fees and expense, and the costs of printing the Obligations. The payment of the principal, redemption premium, if any, and purchase price of and interest on the Obligations shall be solely the responsibility of the Developer. The Obligations shall not constitute a debt or obligation of the City.
6. This City Council hereby further determines that it is appropriate for the City to issue the Obligations to finance the acquisition, rehabilitation and development of the Project.



7. The law firm of Jones Hall, A Professional Law Corporation, is hereby named as bond counsel to the City in connection with the issuance of the Obligations. The financial advisory firm of CGS Advisors, Inc. is hereby named as financial advisor to the City in connection with the issuance of the Obligations. The fees and expenses of bond counsel and the financial advisor are to be paid solely from the proceeds of the Obligations or directly by the Developer.

8. The City Manager is hereby authorized, for and in the name of and on behalf of the City, to make an application to the California Debt Limit Allocation Committee for an allocation of private activity bonds for the financing of the Project and to execute contracts with bond counsel and the financial advisor in substantially the forms on file with the City Clerk with such changes or deletions as shall be deemed necessary by such officials or staff and to negotiate and execute any and all other documents necessary to complete this transaction.

9. The adoption of this Resolution is solely for the purpose of meeting the requirements of the Code and shall not obligate the City, without further formal action to be taken by this City Council, to (i) provide financing to the Developer for the acquisition, rehabilitation and development of the Project or to issue the Obligations for purposes of such financing; or (ii) approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

IN COUNCIL, HAYWARD, CALIFORNIA, January 13, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson  
MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: Angelina Reyes  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O. J. H.  
City Attorney of the City of Hayward

**DRAFT** 

**HAYWARD CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**Introduced by Council Member \_\_\_\_\_**

**RESOLUTION OF THE CITY OF HAYWARD  
AUTHORIZING THE ISSUANCE, SALE AND DELIVERY  
OF CITY OF HAYWARD MULTIFAMILY HOUSING  
REVENUE BONDS (LORD TENNYSON APARTMENTS)  
2004 SERIES A, AUTHORIZING THE EXECUTION AND  
DELIVERY OF A TRUST INDENTURE, A LOAN  
AGREEMENT, A REGULATORY AGREEMENT, AN  
OFFICIAL STATEMENT, AND A PURCHASE CONTRACT,  
AND AUTHORIZING THE EXECUTION AND DELIVERY  
OF AND APPROVING OTHER RELATED DOCUMENTS  
AND APPROVING OTHER RELATED ACTIONS IN  
CONNECTION THEREWITH**

WHEREAS, Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act"), authorizes cities to incur indebtedness for the purpose of financing the acquisition, rehabilitation and development of multifamily rental housing facilities to be occupied in part by persons of low and very low income;

WHEREAS, the City of Hayward (the "City") hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of financing the acquisition, rehabilitation and development of multifamily rental housing facilities, and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act;

WHEREAS, the City hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act;

WHEREAS, Lord Tennyson VOA Affordable Housing, L.P., a California limited partnership (the "Borrower"), has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of financing the acquisition, rehabilitation and development of a multifamily rental housing project commonly known as Tennyson Gardens Apartments, located at 2191 West Tennyson Road, Hayward, California, (the "Project"); and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows::

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture (hereinafter defined), revenue bonds of the City, designated as "City of Hayward Multifamily Housing Revenue Bonds (Lord Tennyson Apartments) 2004 Series A" in an aggregate principal amount not to exceed \$10,655,000 (the "Bonds"), are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor or City Manager of the City, and attested by the manual or facsimile signature of the City Clerk of the City, in the form set forth in and otherwise in accordance with the Indenture (as hereinafter defined).

Section 3. The trust indenture with respect to the Bonds (the "Indenture") between the City and U.S. Bank National Association, as trustee (the "Trustee"), in the form on file with the office of the City Clerk, is hereby approved. The City Manager of the City, or a written designee of the City Manager (the "Designated Officers") are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk is hereby authorized and directed, for and in the name and on behalf of the City, to attest the Designated Officer's signature on the Indenture, in substantially said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof (provided that no additions or changes shall authorize an aggregate principal amount of Bonds in excess of \$10,655,000), the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture. The date, maturity dates, interest rate or rates, interest payment dates, denominations, form registration privileges, manner of execution, place of payment, terms of redemption, the right of the owners of the Bonds to tender their Bonds for repurchase, and other terms of the Bonds shall be as provided in the Indenture as finally executed.

Section 4. The loan agreement relating to the Bonds (the "Loan Agreement") among the Trustee, the City and the Borrower, in the form on file with the office of the City Clerk, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Loan Agreement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Loan Agreement.

Section 5. The regulatory agreement and declaration of restrictive covenants

relating to the Bonds (the "Regulatory Agreement") among the City, the Trustee and the Borrower, in the form on file with the office of the City Clerk, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such Regulatory Agreement.

Section 6. The bond purchase agreement (the "Purchase Contract") relating to the Bonds among the City, the Borrower and Merchant Capital, L.L.C. (the "Underwriter"), in the form on file with the office of the City Clerk, is hereby approved. The Designated Officers of the City are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriter to purchase the Bonds contained in the Purchase Contract (when such offer is made and if such offer is consistent with Section 3 hereof) and to execute and deliver said Purchase Contract in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Contract.

Section 7. The offering circular relating to the Bonds (the "Offering Circular") in the form on file with the office of the City Clerk, is hereby approved. The Designated Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute the Offering Circular in said form, with such additions thereto or changes therein as are recommended or approved by such officers upon consultation with bond counsel to the City, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Offering Circular. The Underwriter is hereby directed to deliver copies of the Offering Circular to all actual purchasers of the Bonds.

Section 8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchasers thereof in accordance with written instructions executed on behalf of the City by one of the Designated Officers, which instructions such officers are, and each of them is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the purchasers thereof in accordance with the Purchase Contract, upon payment of the purchase price therefor.

Section 9. All actions heretofore taken by the officers and agents of the City with

respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the Designated Officers, are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City and in order to carry out the Program, including but not limited to those certificates, agreements, deeds of trust and other documents described in the Indenture, the Loan Agreement, the Regulatory Agreement, the Purchase Contract and the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, evidence credit support or additional security for the Bonds, or evidence the obligation to purchase Bonds upon tender by the Bondholders (including a tender agent agreement or an intercreditor agreement), but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

Section 10. This resolution shall take effect immediately upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, JULY 6, 2004.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS  
MAYOR:

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward